<u>REMARKS</u>

Claims 29-39 are pending in this application. All pending claims stand rejected in view of prior art.

In ¶ 3 of the Final Rejection, claims 29-33, 35-37, 39, 40 and 42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,920,317 to McDonald. As applied to cancelled claims 40 and 42, this ground of rejection is now moot. As applied to claims 29-33, 35-37, and 39, the Applicants traverse this ground of rejection for the following reasons.

Independent claim 29 recites a scanner comprising an operator interface, a display monitor, a scanning subsystem, a networking port and a computer programmed to perform steps (a) through (h). The Examiner finds each and every one of steps (a) through (h) in column 5 of the McDonald patent. The Applicants respectfully disagree.

The steps performed by the programmed computer recited in claim 29 involve the retrieval of a worklist from a remotely located worklist broker. The worklist broker searches a database in response to a "worklist search request message" sent by the scanner and then sends the search results to the scanner for display. As now recited in amended claim 29, the worklist search results comprise a list of patients scheduled to be examined during a particular time period using that particular scanner. Portions of the worklist search results are then registered by the computer in response to input of a "patient selection

command" via the operator interface (step (f) in claim 29). The latter step occurs after the step of displaying the worklist search results (step (e)). Thus the patient selection by the system user occurs after the search has been performed.

In contrast, in the McDonald system the patient selection by the system user occurs when the search is requested. The search parameter is a hospital chart number, the patient's surname or some other identifier [col. 5, lines 12-14]. Furthermore, McDonald does not disclose or suggest that the search results comprise a list of patients scheduled to be examined during a particular time period using that particular scanner, as is substantially recited in claim 29. Thus, claim 29 does not read literally on the McDonald system and cannot be anticipated thereby.

With regard to the rejection of claim 31, the Examiner cites 55 lines in column 5, 47 lines in columns 9 and 10, and 62 lines in columns 11 and 12 as teaching a screen having fields that can be filled with "worklist display format instructions" that indicate what items in the worklist search results should be displayed. However, the Applicants can find no trace or hint of a discussion of "worklist display format instructions" in the 164 lines of text from the McDonald patent cited by the Examiner. In the Advisory Action, the Examiner has clarified the rejection of claim 31 by stating that "[t]he 'worklist display format instructions' are being interpreted as particular search parameters being entered" (p. 6 of Advisory Action). However,

the Applicants submit that this interpretation gives rise to an untenable error in that both the "worklist search request message" and the "worklist display format instructions" recited in Applicants' claims 29 and 31 (dependent on claim 29), respectively, are being read on McDonald's entered search parameters. The Applicants submit that it is improper to read two distinct claim elements onto the same element in a cited prior art reference. Claim 31 has been amended to clarify that the "worklist search request message" and the "worklist display format instructions" are distinct from each other.

The Applicants traverse the anticipation rejection of claim 36, which recites the same steps as are recited in claim 29, for the same reasons set forth above in traversal of the rejection of claim 29.
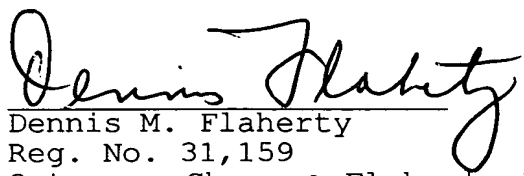
In ¶ 5 of the Office Action, claims 34, 38 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald in view of U.S. Patent No. 6,574,629 to Cooke. The Applicants traverse this ground of rejection. Since Cooke does not teach the elements recited in claim 29 that were missing from McDonald, claims 34 and 38 (claim 41 has been canceled) are patentable at least for the same reasons, set forth above, that claim 29 is not anticipated by McDonald. The Cooke patent discloses an image archiving and communication system and contains no disclosure concerning retrieving a worklist and then selecting a patient from the retrieved worklist for attachment of patient information to each acquired image.

In view of the foregoing, the Applicants submit that this application is now in condition for allowance. Reconsideration of the application and allowance of claims 29-39 are hereby requested.

Respectfully submitted,

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Date

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January 19, 2004
Date

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